

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DENISE CARDWELL,

Plaintiff,

NOTICE OF MOTION

v.

09-CV-7809

THERMO FISCHER SCIENTIFIC,

(DAB) (JCF)

Defendant.

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Tara Eyer Daub, Esq., the accompanying memorandum of law, dated February 8, 2010, and all prior pleadings and proceedings herein, defendant Thermo Fisher Scientific Inc. (incorrectly named in the Complaint as “Thermo Fischer Scientific”), will move this Court, before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New York, New York for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint for failure to state a claim, and for such other and further relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), opposition papers, if any, must be served within fourteen (14) days after service of the moving papers. Reply papers, if any, must be served within seven (7) days after service of the opposition papers.

Dated: February 8, 2010
Jericho, New York

NIXON PEABODY LLP

/s/ Tara Eyer Daub
By: _____
Tara Eyer Daub (TE-7943)

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